

Overview of 'Raise the Age' Legislation

(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)

Background

Michigan is **one of four remaining states** automatically prosecuting 17-year-olds as adults for any offense. Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, federal government and 46 states, which have all set the age of adult criminal responsibility at 18.

In nearly all aspects of state law, Michigan recognizes 18 as the age of adulthood.

Seventeen-year-olds cannot vote, legally sign a contract, dropout of school, rent a hotel room or car, or purchase tobacco, fireworks or lottery tickets and are still considered children whom the state's child welfare system must protect from abuse and neglect. In 2014, Michigan passed "Safe Harbor laws" which requires a presumption that any young person under the age 18 found engaging in prostitution is a victim of human trafficking and mandates law enforcement to refer minor victims for treatment **within Michigan's child welfare system**. Yet, if caught in the legal system for any other reason, 17-year-olds **must** be prosecuted, convicted, and sentenced as adults in Michigan's criminal courts.

Setting the upper age of juvenile jurisdiction at 18 is now the national standard. Since 2007, Connecticut, Illinois, Louisiana, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, South Carolina and Missouri have all enacted laws raising the age to 18, citing research, public safety, and cost-savings as the reasons for the change. In all of the four remaining states that still automatically prosecute 17-year-olds as adults (Michigan, Wisconsin, Texas and Georgia) state legislators have introduced bills to raise their juvenile court age.

Rehabilitating youth will require an upfront investment in services that are not currently available to juveniles in the adult corrections system. Michigan's juvenile justice system is a decentralized, 83-county approach in which the state and counties share the costs 50/50 through the County Child Care Fund (CCF). Including 17 year olds in the juvenile population will necessitate investments in community-based care, local courts and some residential services. Citing the Headlee amendment, county stakeholders have made clear that the state must fully accept the responsibility for increased costs. State officials, thus far, have indicated they agree with this assessment. The Criminal Justice Policy Commission, with funding from the legislature, recently completed a statewide assessment of the potential costs that may result from raising the upper age of juvenile court jurisdiction.

The research firm Hornby Zeller Associates (HZA) hired by the Criminal Justice Policy Commission, under the direction of former State Senator Bruce Caswell, completed the cost study in March 2018. The cost estimates in the final study vary widely, providing a high, average and low cost-estimate. The high estimate, approximately \$60m, assumes that 15% of youth currently

sentenced to prison or jail would be placed in the most expensive, secure public facilities for the longest duration, and HZA notes that this cost estimate should be viewed as a “worst case scenario”. The low estimate, approximately \$26m, assumes these same youth would be in secure private facilities and for a shorter average length of stay. The report also notes that the vast majority of 17-year-olds served in the juvenile justice system would remain in their homes while receiving community-based care and supervision (probation) provided by their local juvenile courts, which is far less expensive and more effective than out of home placement. There is general agreement that the costs will lessen over time due to a declining trend in youthful offenders and an increase in the use of community-based care (a more cost effective option than residential placement or detention) throughout Michigan.

Although an exact dollar amount is difficult to determine, due to a lack of consistent and comparable data available from county and state officials, the costs of not raising the age are significant. Simply put, placing juvenile offenders in an adult corrections system that is not equipped to provide age-appropriate rehabilitative services is costly, ineffective and counterproductive. Youth exiting the adult system often do so without a completed or relevant education, without any employment opportunities and after having been victimized by fellow inmates. As a result, these youth tend to re-offend at higher rates than their peers in the juvenile system, often escalate to more violent crimes, make our communities less safe and continue to represent a significant cost to counties, the state and the criminal justice system.

Legislative Efforts

The Raise the Age (RTA) bill package is a bipartisan package that was first introduced in the House Criminal Justice Committee on Oct. 7, 2015, and eventually passed a full House vote with significant majorities but stalled in the Senate Judiciary Committee due to the stakeholder concerns regarding costs. It was reintroduced in the House in the spring of 2017 and has been referred to the House Law & Justice Committee, where it awaits a hearing. Proponents are pushing for hearings and swift passage of the RTA package in fall of 2018.

In an effort to avoid past mistakes, lawmakers have been hosting funding strategy workgroups with representatives from the courts, counties, DHHS and other relevant parties. In the past month, both DHHS and county stakeholders have put forward a funding proposal and indicated their desire to see RTA pass. The details and differences between the two funding proposals are being negotiated at present. A unified funding proposal is anticipated by summer's end. The thrust of the state proposal is the creation of a new grant-funded program that specifically reimburses counties for their service of 17 year olds on a quarterly basis. Meanwhile, counties have recommended an increase in the County Child Care Fund to 68% across the board for juvenile justice services. Both cost proposals include additional nuance but these are the main components of each. Some form of the county proposal seems likely to prevail, as it appears to be more favorable among legislators.

RTA enjoys broad public support. MRG conducted a statewide poll on the issue this spring that showed broad support (approximately 65%) for the initiative across the state and across

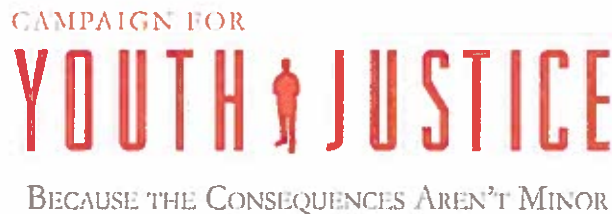
demographics, even before receiving information or messaging about the issue. When additional information was provided, support numbers rose significantly to approximately 85% support.

In addition to public support, RTA is garnering support from various notable groups including the Mackinac Center, the Michigan League for Public Policy, the Michigan Catholic Conference, the Michigan Council on Crime and Delinquency, the Grand Rapids Chamber of Commerce and Wayne County (which has 40% of the current CCF caseload).

The Michigan Association of Family Court Administrators, the Michigan Probate Judges Association and the Michigan Association of Counties are all in favor of passage, assuming a resolution to their funding concerns, which appear within reach. The Michigan Prosecutors Association has agreed to be neutral, if not supportive, so long as prosecutors retain their ability to waive dangerous youth through to the adult system, which is protected in current bill drafts.

Legislatively speaking, the bill package has bipartisan sponsors and Speaker Leonard's office has expressed full support, assuming the counties are prepared to move forward. The bills are in the House Law and Justice Committee and Rep. Kesto, is being pressured to move them in September. His counterpart, Sen. Jones has expressed that he will move the bills in lame duck if the house is able to pass them in time.

Among key cabinet departments, support has also been expressed by the Michigan Department of Corrections, the Michigan State Police and the Department of Health and Human Services.



Testimony of Brian Evans, State Campaigns Director, Campaign for Youth Justice
In support of HB 4607, 4653, 4662, 4664, 4676, 4659, 4685, known collectively as
the Raise the Age bill package

Before the House Committee on Law and Justice

September 25, 2018

Chairman Kesto and Members of the Committee:

I am the State Campaigns Director for the Campaign for Youth Justice (CFYJ), a national initiative that for over 10 years has sought to enact policies that keep more young people out of the adult criminal justice system. It is well documented that the adult system produces poor outcomes, both for young people and for public safety – recidivism rates are 34% higher for youth transferred to the adult system.

It is a common-sense reform for states like Michigan to “Raise the Age” of adult court jurisdiction to 18; a reform that five states – Louisiana, Missouri, New York, North Carolina, and South Carolina – have passed into law in the past three years. Michigan is now one of only four states where the age of adult court jurisdiction is set at 17. (The other three are Georgia, Texas, and Wisconsin.)

As in other states where CFYJ has been involved, it is clear in Michigan that “Raise the Age” faces little opposition on its merits. Michiganders know that children will do better in a system that is designed for them, and they also know how traumatic and harmful to children the adult system can be. As was the case in other states, it is uncertainties around the cost of this change that has led to some hesitation.

Fortunately, data from states that raised the age several years ago demonstrate conclusively that, in each case, cost estimates were too high. In [Raising the Age: shifting to a more effective juvenile justice system](#), the Washington, D.C.-based Justice Policy Institute (JPI) reports on how states that “Raised the Age” did so without the need for large cost increases.

For example, before Illinois raised the age, stakeholders predicted there would be a need to pay for new courtrooms and new attorneys to handle thousands of more youth. Instead, the system managed the change with existing dollars, while also closing three costly youth facilities.

In Connecticut, a fiscal note for their “Raise the Age” legislation suggested that juvenile justice costs could rise by \$100 million. Instead, funds were simply reallocated to serve more Connecticut youth in the community, and the overall juvenile corrections budget changed very little.

At the same time, both these states have also seen juvenile crime decline – and less juvenile crime has meant fewer arrests and confinements, which has helped to reduce costs.

CAMPAIGN FOR
YOUTH JUSTICE
BECAUSE THE CONSEQUENCES AREN'T MINOR

Dropping juvenile and overall crime rates in Michigan, combined with an increased use of diversion that is keeping more young people out of the court system, mean that Michigan is in an excellent position now to “Raise the Age” and incorporate 17-year-olds into the juvenile system. While some short-term investment or reallocation of resources may be required in Michigan, it is likely to be significantly less than studies have estimated.

There are significant long-term economic benefits to “Raising the Age”. Last year Dr. David M. Mitchell, Director of the Bureau of Economic Research at Missouri State University, published [*Economic Costs and Benefits of Raise the Age Legislation in Missouri*](#), a study that concluded that “Raising the Age” from 17 to 18 would have a positive economic impact on Missouri, as more young people would become successful adults, earning high wages and paying more taxes. Missouri this year became the most recent state to pass “Raise the Age” legislation.

There is likely to be a similar, positive impact on public health, should Michigan “Raise the Age”. A November 2017 report from Human Impact Partners, entitled [*Raise the Age: Protecting Kids and Enhancing Public Safety in Michigan*](#), details how “Raise the Age” in Michigan will contribute to healthier and more productive young adults, improved community health, and an increase in public safety, and, conversely, how failing to “Raise the Age” will result in more trauma and poor health outcomes for Michigan’s youth.

While concerns about implementing such a complex change are understandable, it is important to note that under the proposed legislation, “Raise the Age” will not take effect immediately; there will be two-year period to prepare for the change. This is consistent with what we have seen in other states where “Raise the Age” has been implemented successfully.

The “Raise the Age” bill package, the result of much careful study and deliberation, is good legislation. It is the right thing to do for Michigan’s youth, for public safety, and for the state’s economy. Michigan is poised to “Raise the Age” successfully and will have two years to prepare. There has never been a better time for Michigan to “Raise the Age”.

I urge you to seize this opportunity and vote favorably for the “Raise the Age” bill package, and to work to ensure that it is passed into law this year.

Brian Evans
State Campaigns Director
Campaign for Youth Justice
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Humanity
for Prisoners

Action with Compassion

September 21, 2018

We, at HUMANITY FOR PRISONERS strongly support legislation to raise the age of juvenile court jurisdiction to 18. Michigan is one of 4 remaining states that automatically prosecute 17-year-olds as adults for any offense. Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, the federal government and 46 states, which have all set the age of adult criminal responsibility at 18.

In nearly all aspects of law, Michigan recognizes 18 as the age of adulthood. Seventeen-year-olds cannot vote, legally sign a contract, or purchase tobacco, fireworks or lottery tickets, and are still considered children for whom the state's child welfare system must protect from abuse and neglect. In 2014, Michigan passed "Safe Harbor" laws which require a presumption that any young person under age 18 found engaging in prostitution is a victim of human trafficking and mandates law enforcement to refer minor victims for treatment within Michigan's child welfare system. Yet, if caught in the legal system for any reason, 17-year-olds must be prosecuted, convicted, and sentenced as adults in Michigan's criminal courts, burdening them with a criminal record that reduces their opportunities for future employment.

Research confirms that 17-year-olds are not adults. As part of normal development, they are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. Though these age-related factors may contribute to youthful mistakes, 17-year-olds are much more amenable to rehabilitative programs and behavior modification than older adult offenders. Nonetheless, Michigan prohibits 17-year-olds from accessing youth-focused treatment found only in the juvenile system.

Humanity for Prisoners Legal Name: Innocent 501(c)(3) EIN 38-3620946

PO Box 687 Grand Haven, MI 49417 (616) 935.0075 info@humanityforprisoners.org www.humanityforprisoners.org

Michigan's juvenile justice system is highly effective at delivering developmentally appropriate services and sanctions that hold youth accountable, engage the whole family in treatment, keep kids in school, and reduce reoffending. With adequate funding and resources, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to 17-year-olds currently prosecuted in the adult justice system.

Several states have recently increased their age of juvenile jurisdiction, citing research, public safety, and cost-savings as the reason for the change. Those states found that "Raise the Age" has proven to be good fiscal policy. Initial estimates of the cost impact were inaccurate as juvenile crime has continued to decline. In fact, most states expect long-term cost-savings as a result of improving overall outcomes for justice-involved 17-year-olds, such as graduation and employment rates while reducing recidivism and incarceration rates.

Now is the time for Michigan to join the 46 other states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we strongly support the proposed legislation to raise the age of juvenile court jurisdiction to 18.

Signed _____

Douglas J. Tjapkes, President

9/21/18

Michigan House of Representatives
Law and Justice Committee
Via Electronic Mail: mweipert@house.mi.gov

**Re: Raise the Age of Juvenile Court Jurisdiction to 18
(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)**

September 19, 2018

Dear Chairman Kesto and members of the Law and Justice Committee:

On behalf of Juvenile Law Center, we urge you to support the Raise the Age package of Bills, which will ensure that 17-year-old youth who come into contact with the justice system are treated as the teenagers they are rather than as adults. We believe that these bills properly address the growing body of scientific research and case law that require consideration of the developmental differences of youth when assessing criminal responsibility. As such, the federal government and 46 states have set the age of adult criminal responsibility at age 18. Michigan should follow.

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

Juvenile Law Center pays particular attention to the needs of children who come in contact with the juvenile or adult justice systems. Our work is guided by the view that children are different from adults including their decision-making abilities, susceptibility to external pressures, and their ability to foresee risks and consequences. These differences are vital, constitutionally relevant, and require that youth under age 18 must be treated in the juvenile justice system. Through litigation and participation in cases as *amici*, we work to ensure that the constitutional rights of children are upheld and that the justice system appropriately considers the distinctive characteristics of youth at every stage from arrest and diversion to sentencing and re-entry.

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Director Emeritus

Over a decade of Supreme Court decisions has emphasized the principle that youth are developmentally different from adults and that these differences are relevant to their constitutional rights in the justice system.¹ The United States Supreme Court cases articulate a vitally important right—youth cannot automatically be treated like their adult counterparts. Legislation that imposes adult criminal responsibility on all 17-year-olds does just that.

Legislation that automatically imposes adult criminal responsibility and the attendant consequences on 17-year-olds is inconsistent with research in social science and the longstanding commitment Michigan has to youth rehabilitation. Research confirms that 17-year-olds are not adults. "First, children have a 'lack of maturity and an underdeveloped sense of responsibility,' leading to recklessness, impulsivity, and heedless risk-taking."² The immaturity "often result[s] in impetuous and ill-considered actions and decisions."³ Second, youth are highly susceptible to external pressures. As the Supreme Court has explained, "children 'are more vulnerable . . . to negative influences and outside pressures,' including from their family and peers; they have limited 'contro[l] over their own environment' and lack the ability to extricate themselves from horrific, crime-producing settings."⁴ Finally, adolescence is a transitional phase, and therefore a young person has a greater capacity for rehabilitation. "[A] child's character is not as 'well formed' as an adult's; his traits are 'less fixed' and his actions less likely to be 'evidence of irretrievabl[e] deprav[ity].'"⁵ As a result, "a greater possibility exists that a minor's character deficiencies will be reformed."⁶ Youths' ability to reform shows that they are particularly amenable to the rehabilitative goals of the juvenile justice system. Each of these developmental characteristics leads to the conclusion that Michigan's juvenile court jurisdiction must include 17-year-olds.

Moreover, youth who are prosecuted and sentenced as adults face much harsher consequences and will live with the stigma of an adult felony conviction. Adult court prosecution will likely lead to a longer sentence. Trying youth in the adult system also implicates safety interests of youth and their communities. Youth transferred to the adult system "reoffend more quickly and are more likely to engage in violent crimes after release than youths processed in the juvenile justice system."⁷ Youth are less likely to receive age-appropriate treatment and education in adult facilities, as adult corrections personnel lack the specialized training to meet the educational and mental health needs of young people, and adult facilities cannot provide the necessary programs, classes, or activities to address their rehabilitative potential.⁸ Youth incarcerated in adult prisons are also extraordinarily vulnerable to victimization.⁹ One study found that youth in adult facilities were five times more likely to be sexually assaulted while incarcerated and two times more likely to be assaulted with a weapon than were youth in the juvenile justice system.¹⁰

The Raise the Age package of Bills addresses the grave consequences facing young people tried in the adult system as well as the treatment needs of youth involved in the justice system. We urge you to vote in favor of this package of Bills.

Sincerely,



Susan Vivian Mangold
Executive Director



Marsha L. Levick
Deputy Director and Chief Counsel

¹ See, e.g., *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (holding that imposing the death penalty on individuals convicted as juveniles violates the Eighth Amendment's prohibition against cruel and unusual punishment); *Graham v. Florida*, 560 U.S. 48, 82 (2010) (holding that it is unconstitutional to impose life without parole sentences on juveniles convicted of non-homicide offenses); *J.D.B. v. North Carolina*, 564 U.S. 261, 271-72 (2011) (holding that a child's age must be taken into account for the purposes of the *Miranda* custody test); and *Miller v. Alabama*, 567 U.S. 460, 465 (2012) (holding that mandatory life without parole sentence for juveniles convicted of homicide is unconstitutional).

² *Montgomery*, 136 S. Ct. at 733 (quoting *Miller*, 567 U.S. at 471).

³ *Roper*, 543 U.S. at 569 (quoting *Johnson v. Texas*, 509 U.S. 350, 367, 113 S. Ct. 2658, 125 L. Ed. 2d. 290 (1993)).

⁴ *Miller*, 567 U.S. at 471, (alterations in original) (quoting *Roper*, 543 U.S. at 569).

⁵ *Id.* (second and third alterations in original) (quoting *Roper*, 543 U.S. at 570).

⁶ *Graham*, 560 U.S. at 68 (quoting *Roper*, 543 U.S. at 570).

⁷ Jason J. Washburn et al., *Psychiatric Disorders Among Detained Youths: A Comparison of Youths Processed in Juvenile Court and Adult Criminal Court*, 59 *Psychiatric Services* 965, 972 (2008).

⁸ CAMPAIGN FOR YOUTH JUSTICE, *THE CONSEQUENCES AREN'T MINOR: THE IMPACT OF TRYING YOUTH AS ADULTS AND STRATEGIES FOR REFORM* 7 (2007).

⁹ See Marty Beyer, *Experts for Juveniles At Risk of Adult Sentences* in *MORE THAN MEETS THE EYE: RETHINKING ASSESSMENT, COMPETENCY AND SENTENCING FOR A HARSHER ERA OF JUVENILE JUSTICE 18-20* (P. Puritz, A. Capozello & W. Shang eds., 2002).

¹⁰ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, *JUVENILE JUSTICE BULLETIN*, June 2010, at 7.



**Nation Outside Supports Legislation To Raise the Age of Juvenile Jurisdiction to 18
(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)**

We, at Nation Outside: The Voice of the Formerly Incarcerated, a statewide group in Michigan, strongly support legislation to raise the age of juvenile court jurisdiction to 18. Michigan is one of 4 remaining states that automatically prosecute 17-year-olds as adults for any offense. We are an organization made up of formerly incarcerated people and allies and several of our members were prosecuted presumptively as adults when they were 17-years-old. We find this practice to be barbaric, based on long-disproven thinking, and counterproductive.

Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, the federal government and 46 states, which have all set the age of adult criminal responsibility at 18.

In nearly all aspects of law, Michigan recognizes 18 as the age of adulthood. Seventeen-year-olds cannot vote, legally sign a contract, or purchase tobacco, fireworks or lottery tickets, and are still considered children for whom the state's child welfare system must protect from abuse and neglect.

Research confirms that 17-year-olds are not adults. As part of normal development, they are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. Though these age-related factors may contribute to youthful mistakes, 17-year-olds are much more amenable to rehabilitative programs and behavior modification than older adult offenders. Nonetheless, Michigan prohibits 17-year-olds from accessing youth-focused treatment found only in the juvenile system.

Michigan's juvenile justice system is highly effective at delivering developmentally appropriate services and sanctions that hold youth accountable, engage the whole family in treatment, keep kids in school, and reduce reoffending. With adequate funding and resources, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to 17-year-olds currently prosecuted in the adult justice system.

We strongly believe that NOW is the time for Michigan to join the 46 other states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we strongly support the proposed legislation to raise the age of juvenile court jurisdiction to 18.

Thank you for your attention.

Josh Hoe
Nation Outside Policy Chair



The Salvation Army Eastern Division Headquarters 16130 Northland Drive Southfield, MI 48075

September 15, 2018

Raise the Age of Juvenile Court Jurisdiction to 18
(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)

We, at the Metro Detroit Out4Life Reentry Coalition strongly support legislation to raise the age of juvenile court jurisdiction to 18. Michigan is one of 4 remaining states that automatically prosecute 17-year-olds as adults for any offense. Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, the federal government and 46 states, which have all set the age of adult criminal responsibility at 18.

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Now is the time for Michigan to join the 46 other states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we strongly support the proposed legislation to raise the age of juvenile court jurisdiction to 18.

Joseph Williams
Metro Detroit Out4Life Reentry Coalition
Chair

September 17, 2018

Representative Klint Kesto
Chairman of the Law and Justice Committee
124 North Capitol Avenue
Lansing, MI 48933

RE: Raising the Age of Jurisdiction in Michigan

To Chairman Kesto and the Members of the House Committee on Law and Justice:

I am writing on behalf of the Center for Children's Law and Policy in support of the Raise the Age legislative package, which encourages raising the age of criminal court jurisdiction. Michigan is one of just four remaining states to automatically exclude 17-year-olds from juvenile court jurisdiction. Research and experience unequivocally show that state criminal justice systems are not designed to meet the unique needs of youth, and that states can reduce crime and costs by treating these youth in state juvenile systems.

The Center for Children's Law and Policy (CCLP) is a national public interest law and policy organization based in Washington, DC focused on the reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in those systems. Our staff work to help cities, states, and counties throughout the United States make their juvenile justice systems more equitable and effective. Over the last 10 years, we have worked on juvenile justice reform in 32 states and the District of Columbia. We have also worked to help juvenile justice systems and agencies in the wake of litigation, investigations, and media coverage of policies and practices.

In a series of landmark decisions, the U.S. Supreme Court has recognized the difference between adolescents and adults, grounding those decisions in research from neuroscience and social science that shows how youth lack maturity, are susceptible to negative peer influences, and have greater potential for rehabilitation. American laws have long acknowledged these differences by restricting voting and service on juries to those over the age of 18 and requiring parents to make medical and other important decisions for teenagers.

Since its creation, the juvenile justice system has been based on the fundamental principle that youth have unique needs, and that to ensure rehabilitation and community safety, those needs must be met. Adult facilities are simply not equipped or resourced to meet these needs. Research

shows that up to 70% of youth entering the juvenile justice system suffer from mental illness.¹ Many have experienced trauma. Although the adult prison system has attempted to improve capacity to provide rehabilitation, the Michigan juvenile system is a far more appropriate place to serve teenagers. In the juvenile system, youth are required to receive individualized services to address behavioral health, disabilities, trauma and other needs.

In the state prison system, services that can effectively rehabilitate and protect youth are not available, which can lead to disastrous consequences. Youth housed in adult jails, for example, are roughly five times more likely to commit suicide than youth in juvenile detention facilities.² Youth in adult jails are at high risk of sexual abuse by jail staff and other inmates, even during brief detention stays. According to the PREA Regulatory Impact Assessment, 15% of sexual abuse victims in jails report having been abused by another inmate within the first 24 hours of their arrival at the jail.³

As addressed in the recent report *Getting to Zero: A 50 State Study of Strategies to Remove Youth from Adult Jails*, state and county officials face significant liability exposure for housing youth in adult facilities.⁴ For example, recent federal litigation against adult facilities for failing to sufficiently meet the needs of youth has resulted in costs of hundreds of thousands of dollars.⁵ Facilities that incarcerate children must also pay the price for staffing expenses to keep youth safe, implementing protections required by federal laws,⁶ and jail beds rendered unusable due to the presence of juveniles to keep youth separated from other adults.

In addition to the cost and risks associated with housing youth in adult facilities, adult corrections-based approaches do not help young people achieve long-lasting positive outcomes. In fact, they are counterproductive. Research tells us that youth who are prosecuted in the adult system are 34% more likely to recidivate and with more violent offenses than those handled by

¹ Jennie L. Shufelt & Joseph J. Cocozza, Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study, Nat'l Ctr. for Mental Health & Juvenile Justice (June 2006) at 2.

² According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., Mortality in Local Jails, 2000-2014 – Statistical Tables (2016), available at: <https://www.bjs.gov/content/pub/pdf/mlj0014st.pdf>). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. Is Suicide More Common Inside or Outside of Juvenile Facilities? Corrections Today (February 2005), available at: http://www.ncjj.org/PDF/Howardpubs/Research_Notes_2_05.pdf); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17-year-olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS) at <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>).

³ *Getting to Zero: A 50 State Study of Strategies to Remove Youth from Adult Jails* (2018) at 24, available at: https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmItV/view.

⁴ *Id.* at 24-37.

⁵ “Settled lawsuit over teen solitary confinement to cost Onondaga County \$270,000,” *Central NY News* (April 30, 2018), available at: https://www.syracuse.com/news/index.ssf/2018/04/settled_lawsuit_over_teen_solitary_confinement_to_cost_onondaga_county_270000.html.

⁶ Juvenile Justice and Delinquency Prevention Act (JJDP), Prison Rape Elimination Act (PREA), Every Student Succeeds Act (ESSA), Americans with Disabilities Act (ADA), Individuals with Disabilities Education Act (IDEA).

the juvenile system.⁷ Transferred youth also recidivate sooner than youth who remain in juvenile court and recidivate with more serious crimes.⁸ Because 80% of 17-year-olds arrested in Michigan are arrested for non-violent offenses, it is both highly likely that they can be rehabilitated in the juvenile system, and that they are negatively influenced by being lumped in the same agencies and facilities with older individuals charged with more violent offenses.

In contrast, states that have raised the age of jurisdiction have seen reductions in crime and cost-savings. As noted recently *Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System*, a report by the Justice Policy Institute that outlines benefits attributed to similar legislation, “[e]ach of the three states that led the national trend in raising the age – Connecticut, Illinois, and Massachusetts – managed to contain costs, reduce confinement, reallocate funds to more effective approaches that keep most young people in the community, and enhance public safety.”⁹ Louisiana Governor John Bel Edwards, stated that “[raising the age] is better for public safety because research conclusively shows that consistently the juvenile justice system does a better job preventing recidivism than the adult correction system. This means in the future, we will have fewer crime victims and less money spent on incarceration.”¹⁰

In many states, fiscal projections of the high price tag associated with raise the age legislation do not account for savings from reallocating funds from confinement to community-based approaches, savings from reduced crime and fewer crime victims, and fiscal benefits from successfully rehabilitated youth becoming productive citizens – all of which are results from serving youth in a developmentally appropriate system designed to help youth succeed.¹¹

Because most 17-year-olds will be released back into Michigan communities, it is critically important that they receive the services designed to help them to succeed upon release. The research is clear that youth kept in the juvenile system are less likely to commit new crimes in the future, and less likely to need public assistance. For these reasons, we urge you to support this bill.

Sincerely,



Mark Soler, Executive Director



Jennifer Lutz, Staff Attorney

⁷ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, 56 *Morbidity & Mortality Weekly Reports* 1 (Nov. 27, 2007).

⁸ *Id.*

⁹ Justice Policy Institute, *Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System* (2017) at 7, available at: <http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

¹⁰ “Louisiana should raise the age to 18 for prosecution as an adult: Editorial,” *The Times Picayune* (April 27, 2016), available at: http://www.nola.com/politics/index.ssf/2016/04/raise_the_age_juvenile.html.

¹¹ Justice Policy Institute, *supra*, at 44-47.



The Episcopal Church of the Incarnation
3257 Lohr Road
Ann Arbor, MI 48108
734-846-3578

September 21, 2018

Raise the Age of Juvenile Court Jurisdiction to 18
(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)

To Whom It may Concern:


The Episcopal Church of the Incarnation strongly supports legislation to raise the age of juvenile court jurisdiction to 18. I and my congregation have been working with people in prison and coming out of prison for over thirty years so we've witnessed the dramatic consequences of the extra challenges people face when they have entered Michigan's adult system as juveniles.

Our current laws don't align with the standards and policies of the U.S. Supreme Court, the federal government and 46 states, which have all set the age of adult criminal responsibility at 18. They are also in violation of International Human Rights law. All these laws are partly based on the scientific evidence that the brains of the young have not fully developed in such a way that they can foresee the consequences of their actions and therefore cannot be held accountable in the same way fully mature adults can be. Further, most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. Our current practice are immoral and should be stopped as soon as possible.

We know our current criminal justice system works very poorly for adults. It is worse for youth. Younger people are more amenable to rehabilitation programs. Further we know that rehabilitation is more effective the more those going through it can sustain their ties to their families and to the community. Currently the adult corrections system makes no provision for keeping those in its custody close to either. Finally, putting youth into the adult system means they are likely to be abused by others compounding whatever problems they already have. Since the state is financially liable for the abuse of people in its prison already the State of Michigan is likely going to have to pay hundreds of millions of dollars for the youth who have already been abused while in its custody.

Now is the time for Michigan to reform this barbaric practice by raising the age of juvenile court jurisdiction to 18.

Thank you,


The Rev. Joe Summers
(734)846-3578



**THE
SENTENCING
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM

Testimony of Josh Rovner

Senior Advocacy Associate

The Sentencing Project

In support of Raise the Age Package

**Before the House Law and Justice
Committee**

September 25, 2018

Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing Michigan's Raise the Age package. These bills provide the necessary reform to align Michigan with the vast majority of states (all but Wisconsin, Georgia and Texas) to address most 17-year old offending in the juvenile justice system.

Ten years ago, Michigan was one of 13 states to charge 17-years olds as adults. In the intervening years, Connecticut, Illinois, Massachusetts, and Vermont moved 17-year olds into their juvenile systems. In 2016, Louisiana, South Carolina, New York and North Carolina each passed legislation to do the same, though with different timelines for implementation. Missouri passed its reforms this year.

No state has done the opposite in these years. In fact, no state has previously set its age boundary at 18 and then lowered it to 17 (as in Michigan) since 2007. That year, Rhode Island legislators lowered the age as a cost-saving measure. Four months later, they reversed themselves, finding those cost savings did not exist.¹

The Sentencing Project supports the Raise the Age package for the following reasons

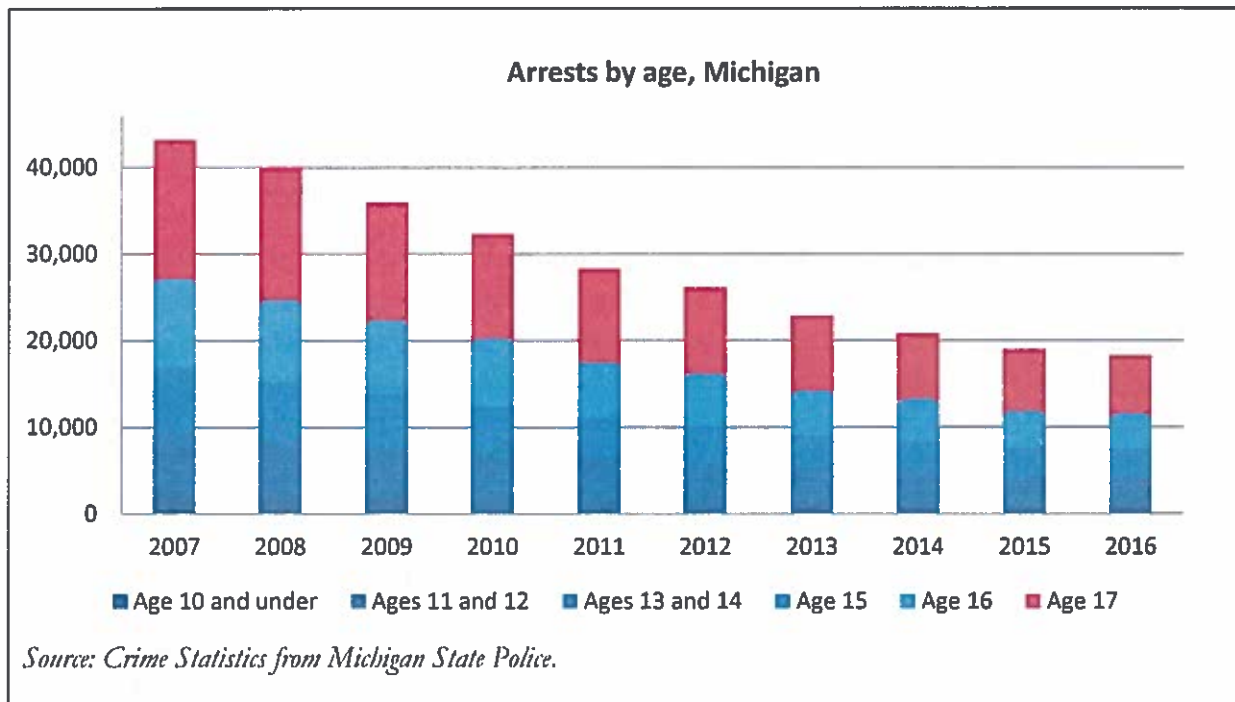
- Long-term declines in juvenile offending mean that Michigan has capacity to add 17-year olds to its juvenile system.
- Sending young people, even those accused of serious offenses, to adult courts, jails, and prisons harms public safety.
- Adolescent development research backs this bill.
- Charging young people as though they are adults punishes them with dozens of collateral consequences.

Long-term declines in juvenile offending mean that Michigan has capacity to add 17-year olds to its juvenile system.

Statewide crime trends suggest that this is an opportune moment for Michigan to raise the age of juvenile court jurisdiction to 18. There has been a significant reduction in arrests of Michigan's adolescents over the past ten years. At the same time, juvenile courts across the state have implemented evidence-based reforms designed to keep caseloads low. Numerous courts now use risk assessment tools to determine the most appropriate treatment for youth. This, coupled with the expansion of diversion and community-based programs, has contributed to lower reoffending rates and declining caseloads. As a result, there are now fewer young people on probation, in detention,

¹ Sickmund, M. (2014). "Which State Will Be the Last to 'Raise the Age?'" Juvenile Justice Information Exchange. <https://jjie.org/2014/05/29/which-state-will-be-the-last-to-raise-the-age/>

and in long-term residential placement, yielding significant cost-savings at both the county and state level.



Sending young people accused of serious offenses to adult courts harms public safety.

Youth adjudicated in the adult system are more likely to commit future offenses, and particularly more likely to commit the most violent offenses, when compared with peers adjudicated in the juvenile system for equivalent offenses. Howell, et al., note that “research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”²

The CDC’s Task Force on Community Preventive Services has reviewed decades’ worth of literature, concluding that sending a youth to the adult system generally increases rates of violence among youth.³ Automatic transfers contradict findings from the National Research Council, which

² Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) *Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know*. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 10-11.

³ McGowan A, Hahn R, Liberman A, et al. Effects on violence of laws and policies facilitating the transfer of juveniles from the juvenile justice system to the adult justice system: a systematic review. *Am J Prev Med* 2007;32(4S):S7–S28 at S17.

supports “a policy of retaining youth in the juvenile justice system” both to keep punishments proportional with the age of justice-involved youth and to prevent additional offending.⁴

The reason is clear: the juvenile justice system is designed to be youth-serving. Adult courts are tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. For those convicted, programs and professional staff in the adult system are not designed or trained for young people.

Adolescent development research backs this bill. Common sense and one’s own life experiences demonstrate that adolescents are different from adults and, thus, ought to be treated differently under the law. Adolescence is marked by immature decision-making, poor judgment, and impulsive behavior. In *Roper v. Simmons*, Justice Anthony Kennedy emphasized that, “as any parent knows,” the differences between adolescents and adults limit adolescents’ culpability.⁵ The extent to which adolescents are responsible for their behavior undergirds the U.S. Supreme Court’s rulings on juvenile justice. Due to these characteristics, this state’s laws – like all states’ laws – generally treat adolescents differently than adults. The law asserts these limitations to protect youth from their own immaturity and society as a whole for the consequences of that immaturity.

Brain science research has reinforced our understanding of the pitfalls of adolescence. Generally, teenagers are impulsive. As such, there is little deterrent value to transferring more young people. Teenagers make poor decisions, especially in times of stress or when in the presence of other adolescents. Juveniles have weak impulse control and struggle at weighing risks. These marks of youth are not unique to those who commit crimes, but instead derive from the way the brain develops post-puberty.

Many of the attributes listed above are controlled, in adults, by the brain’s pre-frontal cortex, and the development of this region typically continues through age 25. As such, it is not surprising that criminologists have found an age-crime curve that drops precipitously following late adolescence.⁶

Charging youth as though they are adults has collateral consequences.

Youth convicted in the adult criminal justice system leave with an array of collateral consequences that can impact future life outcomes. The impact of an adult record is a significant obstacle to a youth’s successful reentry in to the community, limiting access to the employment and student loans that provide the path to self-sufficiency outside of the world of crime.

⁴ National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>. p. 134.

⁵ 543 U.S. 551 (2005) at 569.

⁶ From Juvenile Delinquency to Young Adult Offending. (2014, March 4). Available: <http://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>

Michigan's high schoolers, even those guilty of trespassing or other low-level offenses, are burdened by adult arrest records and convictions, likely harming their education and employment prospects. There are 785 separate collateral consequences in Michigan, 445 of them mandatory for people convicted of a crime. Thirty-six of these apply to misdemeanants. Moreover, because most other states do not charge 17-year olds this way, Michigan's youth are at a competitive disadvantage.

...

The Sentencing Project is pleased to endorse the Raise the Age bill package and is eager to see it advance in this Committee.



Unitarian Universalist Church of Greater Lansing



September 18th, 2018

House Law and Justice Committee
Anderson Building, Room 327
Lansing, MI 48933

RE: Raise the Age of Juvenile Court jurisdiction to 18
Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753

Dear Committee Members:

We, in the Social Justice Committee of the Unitarian Universalist Church of Greater Lansing, strongly support legislation to raise the age of juvenile court jurisdiction to 18. Michigan is one of four remaining states that automatically prosecute 17-year-olds as adults for any offense. Most 17-year-olds in the adult system are there for non-violent offenses, and never had a juvenile record. This practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, the Federal Government and 46 states which have set the age of adult criminal responsibility at 18.

In nearly all aspects of law, Michigan recognizes 18 as the age of adulthood. Those younger cannot vote, legally sign a contract, or purchase tobacco, fireworks or lottery tickets, and are still considered children whom the state's child welfare system must protect from abuse and neglect. Yet, if caught in the legal system for any reason, they must be prosecuted, convicted, and sentenced as adults in Michigan's criminal courts, burdening them with a criminal record that reduces their opportunities for future employment.

Research confirms that 17-year-olds are not adults. They are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. But they are also much more amenable to rehabilitative programs and behavior modification than older adult offenders. With adequate funding and resources, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to 17-year-olds currently prosecuted in the adult justice system. Yet Michigan prohibits them from accessing youth-focused treatment found only in the juvenile system.

Several states that have recently increased the age of juvenile jurisdiction have found that "Raise the Age" has proven to be good fiscal policy. Initial estimates of the cost impact were inaccurate, as juvenile crime has continued to decline. In fact, most states expect long-term cost-savings as a result of improving overall outcomes for justice-involved 17-year-olds, such as graduation and employment rates while reducing recidivism and incarceration rates.

Now is the time for Michigan to join the 46 states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we strongly support the proposed legislation to raise the age of juvenile court jurisdiction to 18

Best regards,

The Social Justice Committee
Unitarian Universalist Church of Greater Lansing

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TESTIMONY BY MARC SCHINDLER
Executive Director, Justice Policy Institute

PENDING RAISE THE AGE BILLS

COMMITTEE ON LAW AND JUSTICE

Tuesday, September 25, 2017

100 N Capitol Avenue

Lansing, MI 48933

Thank you, Chairman Kesto and other Committee members, for allowing me to provide testimony related to the various "Raise the Age" bills being offered. I am writing at this time to offer my support of the Raise the Age legislative package, which encourages raising the age of criminal court jurisdiction.

By way of background I have been fortunate in my career that I have had the opportunity to view the justice system and the issue of violence in our communities from several different angles, and therefore I come to this issue today from a number of different perspectives.

Currently, I am Executive Director of the Justice Policy Institute (JPI), a national research and policy organization dedicated to reducing the use of incarceration in the juvenile and criminal justice systems. I held several leadership roles within the DC Department of Youth Rehabilitation Services (DYRS), including serving as General Counsel, Chief of Staff and Interim Director between 2005 and 2010. Prior to working at DYRS, I spent eight years as a staff attorney with the Youth Law Center, a national civil rights law firm, where I advocated at the national and state level on issues related to conditions of confinement, racial disparities, indigent defense and other juvenile justice issues. While at the Youth Law Center I also had the honor of serving as co-chair of the

National Juvenile Justice and Delinquency Prevention Coalition, where I worked closely on issues related to reauthorization of the federal Juvenile Justice & Delinquency Prevention Act. Prior to joining JPI, for three years I was a partner with Venture Philanthropy Partners (VPP), a Washington-based philanthropic organization. While there I led VPP's Social Innovation Fund youthCONNECT initiative – a five year \$40 million dollar innovative philanthropic effort aligning public-private capital, evaluation, and high performing non-profit organizations to improve the education, employment and health outcomes of 14-24 year old disconnected youth in the Washington metro region. I have also served on numerous boards and commissions in the District, including as a board member of the DC Office of Police Complaints, and most recently on the Mayor's Safer, Stronger Advisory Board and as a member of Progressive Life's Advisory Board for DC Youth Link.

I would like to start by commending the Committee and Michigan's entire legislature for recognizing the national trend to increase the juvenile age of jurisdiction to eighteen years old. Concerns of public safety and costs have been echoed in Michigan as well as in other states across the United States, but I am hopeful that this testimony will serve to help advance the conversation in Michigan into legislative reform.

Context

In 2017, the Justice Policy Institute conducted research into what it takes to successfully 'Raise the Age' without significantly impacting public safety or costs. There are multiple reasons why places that raised the age avoided many of the predictions that the juvenile justice system would be overwhelmed, and why places considering raise the age proposals, including Michigan, can proceed with the understanding that outcomes can be managed effectively:

- **Juvenile crime is falling:** In the last decade, juvenile crime in Michigan has fallen nearly 60 percent.¹ This is a common trend across the country, including in the states that have already changed policy. This provides states with more capacity to manage the jurisdictional change without overwhelming the system. With crime continuing to fall, and research showing that young people are less likely to reoffend when they avoid the adult system, the safer approach is keeping all youth under juvenile jurisdiction.
- **Fiscal impacts on raise the age proposals were limited:** Many of the cost estimates that showed a substantial increase in spending were over-blown. This was because estimates did not account for the reduced rates of reoffending and

¹ FBI UCR

other associated costs savings that all states that have increased their age boundary experienced.

- **Resources were reallocated from confinement to community-based approaches:** When a state shifts its focus from confinement to the community, resources are made available to reinvest. Over the years, there is ample research to suggest that youth are better served in the community. This narrative change has influenced many states, including Michigan, to expand services in the community, which has enhanced the capacity for state systems to absorb 17-year-olds.

Even with the absorption of 17-year-olds, states were able to manage the changes without negatively impacting public safety and the financial infrastructure. This is partly based on changes not being limited to legislation, but part of a larger juvenile justice reform effort each state, including Michigan, has been engaged in for years. JPI's research showed that juvenile systems in many states are moving towards a developmentally appropriate approach, consistent with recommendations by the National Research Council of the National Academy of Sciences, which has said that raising the age is part and parcel of the kind of approaches systems should be moving towards. JPI's research found that such approaches result in better 'public safety and stronger youth development outcomes, and are the same set of strategies that help states manage jurisdictional change.

Is Michigan ready to Raise the Age?

Every state has its own method of reform, and not every state used the exact same formula to shift to a more developmentally appropriate approach. However, states like Michigan that are still debating the impacts of Raise the Age legislation appear to have implemented the type of reforms that helped Connecticut, Massachusetts, and Illinois prepare their system for a jurisdictional increase.

In the report, we identified seven strategies of serving youth more effectively, which resulted in better public safety and youth outcomes. Michigan has already engaged in four of these strategies, demonstrating that the state is poised to move forward to raise the age.

1. Expanding the use of diversion

Every year, nearly one million youth are arrested, with nearly 95 percent arrested for non-violent offenses.² Research shows that a young person who is arrested or adjudicated has a greater likelihood of reoffending or being confined.³ With confinement associated with a host of unintended consequences, effective diversion strategies, pre- and post-arrest, can provide meaningful opportunity to address a young person's behavior outside of the justice system.

Rather than needlessly drive up law enforcement, court and juvenile corrections costs, some Michigan counties are diverting more young people from the system, and instead, are connecting youth with community-based services based on their needs. In order to grow pre-arrest and pre-adjudication diversion options, Michigan established fiscal incentives to help communities build options. With appropriate fiscal support, Wayne County was able to divert nearly 600 kids in 2009 from unnecessary contact with the system.⁴

Increased reliance on diversion has made Michigan's justice system more effective overall, reduce confinement costs, and can help prepare the system for a slightly older population.

II. Addressing young people's mental health needs outside the deep end of the system

Effective systems connect youth to community-based mental health services and helps them get the treatment they need in a way that does not rely on confinement. In many cases, when youth with a mental health challenge come to the attention of law enforcement, it can lead to confinement. The status quo reaction is why some estimates show that 70 percent of youth in the juvenile justice system are affected with a mental health challenge, compared to 20 percent in the general population.⁵

An alternative narrative suggests that adequately serving youth's behavior and mental health needs in the community will result in a more effective, less costly juvenile system. This is the approach towards which many Michigan jurisdictions have already shifted. Wayne County has modeled an approach that helps youth access mental health

² N.A., Statistical Briefing Book: Juvenile Arrests (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2014)

³ Frazier, C.E. and Cochran, J.K., "Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions," 26 Youth and Society 17, no.3 (1986): 286-305.

⁴ <https://www.acgov.org/probation/documents/WayneCountyReforms.pdf>

⁵ Fred Meservey and Kathleen Skowrya, Caring for Youth with Mental Health Needs in the Juvenile Justice System: Improving 84 Knowledge and Skills (Delmar NY: National Center for Mental Health and Juvenile Justice, 2015) N.A., Mental Health Facts Children and Teens (Alexandria, VA: National Alliance on Mental Illness, 2014)

treatment by linking nonprofits together to deliver services for youth, families and their community. The Wayne County model is credited with helping reduce the number of youth placed in public training school facilities from 731 in 1998 to just two in 2010.⁶ This model is also responsible for lowering taxpayer costs by reducing juvenile confinement that is solely funded by the state; instead the program relies on pooled health and child welfare services that share the costs with the federal government.⁷

Furthermore, Berrien County has partnered with law enforcement, mental health and child welfare agencies to largely address young persons' health needs outside the justice system, which has reduced the out of home placements from 125 in 2001 to 40 in 2015.

Overall, the resources Michigan has saved from directing mental health services into the community can help support raising the age of jurisdiction.

Reducing reliance on facilities and shifting resources to community-based approaches

There were half as many young people confined nationally in 2015 as there were in 1997.⁸ One of the reasons for this decrease is that jurisdictions are now relying on community-alternatives. Rather than removing youth from the home, a number of systems experienced positive financial and public safety outcomes from the use of community-strategies. In order to achieve adequate community supervision many states have shared a common set of strategies including significantly shortening length of stay in the system, prohibiting confinement for certain behaviors, developing fiscal incentives to implement community options and reallocating money saved from reduced confinement into serving youth locally. Michigan is no different.

Michigan has spent years ramping up its emphasis on community-based approaches and moved away from relying on confinement. The Michigan Child Care Fund (MCCF) established a fiscal incentive and funds community services through a 50 percent cost-share between the state and county. In 2012, MCCF allocated nearly \$400 million to support programs throughout the state. Midland County used MCCF funds to shift their focus to expanding community-based approaches, such as Multisystemic Therapy.

⁶ Wayne County, "Child & Family Services of Wayne County," n.d., <https://www.acgov.org/probation/documents/97WayneCountyReforms.pdf>

⁷ Kristen Staley and Michelle Weemhoff, *There's No Place like Home*. Michigan Council on Crime and Delinquency (Lansing, 98 Michigan: Michigan Council on Crime and Delinquency, 2012). See <http://miccd.org/wp-content/uploads/2013/10/No-PlaceLike-Home-MCCD2013.pdf>.

⁸ Easy Access to The Census of Juvenile in Residential Placement: 1997 – 2013, "The Office of Juvenile Justice and Delinquency 135 Prevention," 2013. See also, Eli Hager, "There are still 80 'youth prisons' in the U.S. Here are five things to know about them" The Marshall Project, March 3, 2016.

Based on the emphasis around community, from 2008 to 2011, the county saved \$2.1 million and saw the number of adjudicated offenses or probation violations drop 77 percent.⁹

Whether it's through involvement in MCCF's fiscal incentives or Wayne County displaying a significant drop in length of stay, Michigan counties have helped the state system build the capacity to absorb older youth.

Improving the juvenile justice systems' management of resources, and strengthening strategies to serve young people more effectively

When a system makes better use of tools that can assess what a youth might need to move past delinquency, and can analyze what is working to help change their behavior, systems can shift to a system that has the capacity to absorb youth currently not under their jurisdiction. In the past, systems did not have access to these tools, and many individuals were unnecessarily confined. Today, many states including Michigan, are increasingly relying on objective tools to help implement new management strategies to run their systems more efficiently, and consequently more easily absorb new roles and responsibilities that are associated with 17-year-olds.

As previously indicated, Michigan has increased use of tools to detect youth who might have substance abuse or mental health issues, and have used that information to more effectively refer for treatment, rather than using confinement.

JPI's research shows that Michigan's juvenile justice system reform efforts in recent years has helped create a dynamic upon which the state appears ready to safely and cost-effectively increase the age of jurisdiction.

The costs to taxpayers have been overstated

Michigan is faced with its own unique circumstances and challenges in the wake of raising the age. However, it is important to put the context of the cost into perspective by using lessons learned from other states. Of the states that implemented legislative change, four of them received pushback and concern about the costs to taxpayers. However, in each of those states, the estimated costs never materialized.

Connecticut

⁹ Kristen Staley and Michelle Weemhoff, There's No Place like Home. Michigan Council on Crime and Delinquency (Lansing, 149 Michigan: Michigan Council on Crime and Delinquency, 2012). <http://miccd.org/wp-content/uploads/2013/10/No-Place-LikeHome-MCCD2013.pdf>.; see also, Allen, D. (2011) Annual Report. Midland, MI: Circuit Court, Family Division, Midland County Probate Court.

In Connecticut, a fiscal note for its legislation estimated that \$100 million of taxpayer money would be needed to fully implement the change.¹⁰ However, that appropriation never occurred. In fact, spending on the system in Fiscal Year 2001 – 02 was \$139 million, by Fiscal Year 2011 – 12, the spending dropped to \$137 million.¹¹

Massachusetts

When Massachusetts' legislation was first contemplated, the Juvenile Court Administrative Office projected that the system would need three dozen new probation officers or supervisors, eight new judicial positions, more clinicians at the Juvenile Court Clinics, as well as an additional 197 beds in 14 programs across the state. Altogether, the estimated increase would have cost taxpayers \$24.57 million. However, the actual cost turned out to be much lower. In 2013, while the budget increased the Department of Youth Services' annual allocation to \$15.6 million, that was still 37 percent less than the original estimate. Put into context, the allocation was less than nine percent of the overall juvenile justice budget.¹²

Illinois

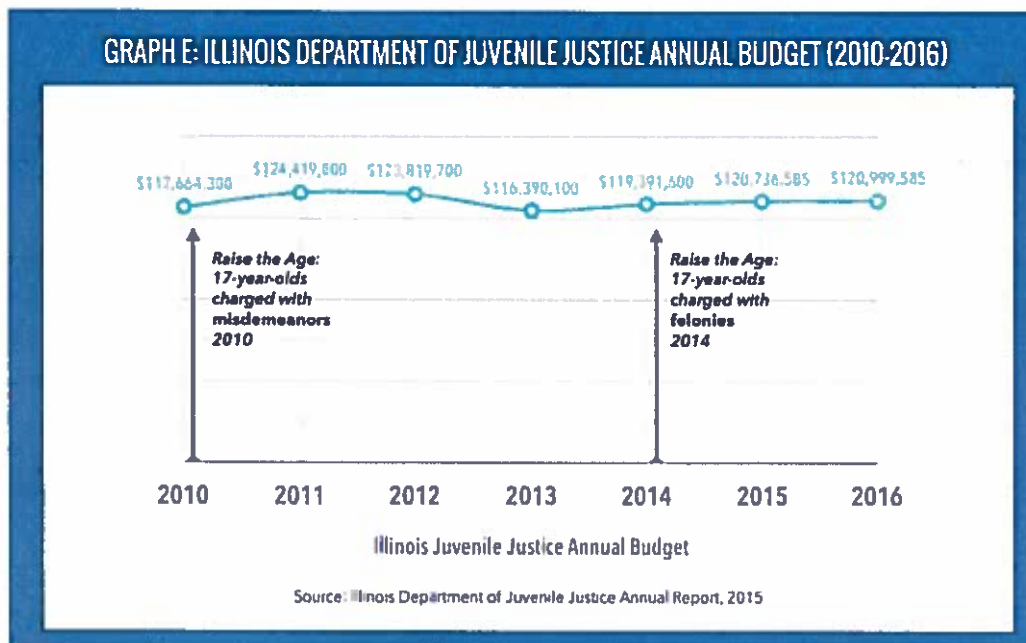
The Cook County State's Attorney's Office opposed changing the age of jurisdiction for 17-year-olds charged with misdemeanors due to financial concerns. Based on an estimated number for future caseloads, the office stated it would need an additional \$855,153 a year to fund courtrooms and Assistant State's Attorneys. In the end, no additional courtrooms or attorneys were needed as the system's population continued to shrink.¹³ Furthermore, Illinois Department of Juvenile Justice's budget has remained flat over two implementations of raise the age.

¹⁰ "Sections 73-88 implement the budget, which contains approximately \$16 million over the biennium to hire staff and build 168 service capacity in advance of the effective date, January 1, 2010, to raise the age of juvenile jurisdiction to include 16 and 17 year olds. Estimated state costs in the next biennium are \$36 million in FY 10 and \$78.5 million in FY 11. Estimated costs in FY 12 are approximately \$100 million (fully annualized)." See, Fiscal Note for Public Act 07-4, Connecticut General Assembly, [http:// www.raisetheagect.org/resources/fiscal-note.pdf](http://www.raisetheagect.org/resources/fiscal-note.pdf)

¹¹ Richard A. Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment have Improved Public Safety 169 and Outcomes for Youth* (Washington, D.C.: Justice Policy Institute, 2013)

¹² "It is estimated by Probation that 27 Probation Officers would be required in order to supervise the additional caseload 172 created by adding 17-year-olds to the juvenile court. 27 Probation Officers at entry level, total, \$1,415,718. 5 Assistant Chief Probation Officers, \$460,160. Total, \$1,875,878... Juvenile Court Clinics. 5-7 full time equivalent clinicians each of who manage 50-65 referrals a year. In addition, staff may be needed to expand treatment capacity/services within court clinics for transitional age youth, and specialized problem solving court modalities may utilize the court clinic expertise. We estimate needing 9-12 additional forensic mental health professionals that include a part-time psychiatrist, psychologists and master level clinicians. Capital expenses (e.g. laptops, furniture), projected costs for additional staffing, training and related expenses, overhead. Total, \$1,158,500-\$1,486,000... The DYS projects that this additional detained and committed population will generate a net bed need of 197 beds in 14 programs for a total annual operating cost of \$20.5 million." *Impact of Raising the Age of Responsibility in the Commonwealth of Massachusetts from 17 to 18* (Boston, Massachusetts: The Commonwealth of Massachusetts Administrative Offices of the Juvenile Court, 2013).

¹³ Office of the State's Attorney, Memo - SB 2275 Juvenile Offender Age Change, May 30, 2008



New Hampshire

Juvenile Justice Services estimated that absorbing 17-year-olds into the juvenile system would cost nearly \$5.3 million in the first year of implementation and each year thereafter. Since then, however, no new dollars have actually been required to serve the older population.

Since every state juvenile justice system is unique, the reasons vary as to why the fiscal estimates never fully materialized. But there are a couple of common factors that helped each system raise the age without significantly impacting their financial infrastructure: there is an inherent limitation to fiscal notes and estimates; there is difficulty in projecting real long-term costs and benefits of shifting juvenile policy; there has been a historic drop in juvenile crime; and there is an ongoing effort in each state, including Michigan, to reallocate resources from confinement to community-based approaches.

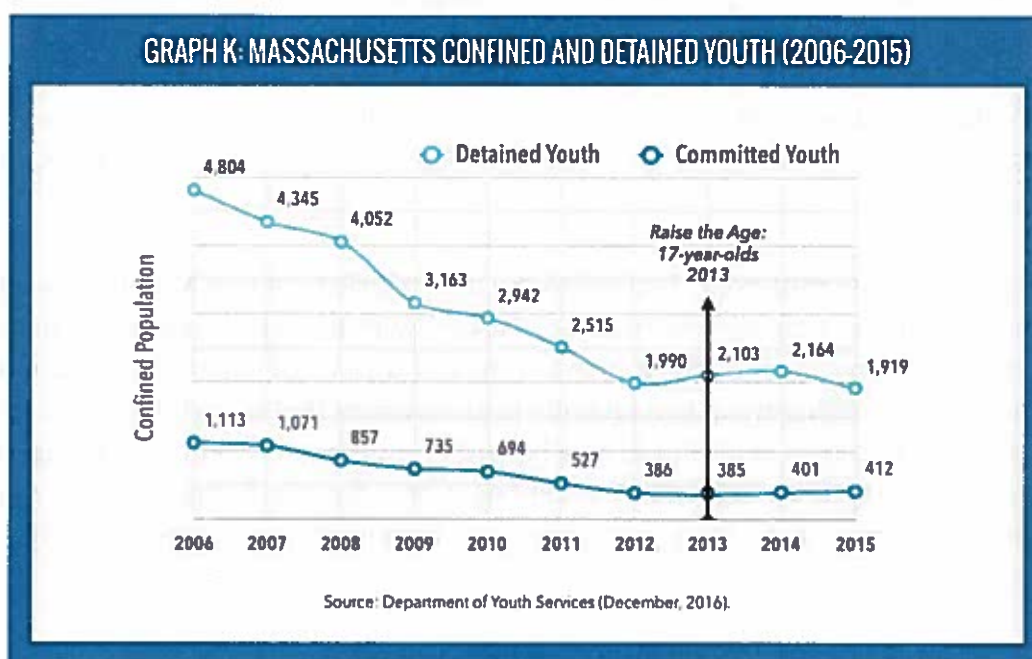
States have experienced better outcomes

States that have taken the biggest steps to ensure that young people once in the adult criminal justice system are now back in the youth justice system have experienced good public safety outcomes.

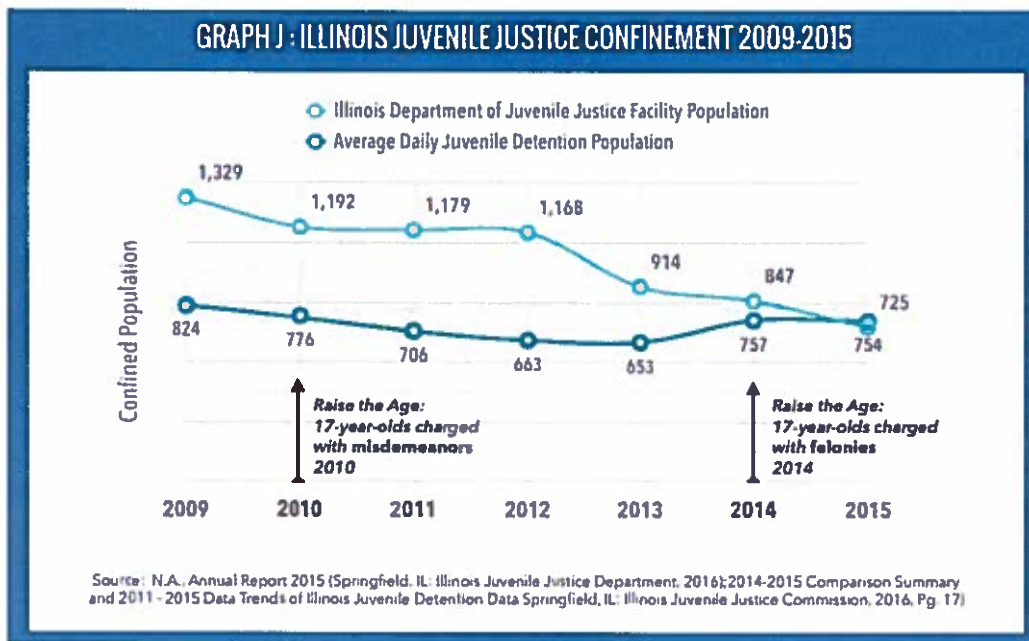
Connecticut, Illinois, and Massachusetts – the first three states to raise the age – outperformed the rest of the country in juvenile crime declines for violent and property crime. The United States average decline since 2006 was 29 percent for violent crime,

but both Connecticut and Illinois experienced a 60 percent decline. The latest data from the Federal Bureau of Investigations, which calculates youth as anyone under eighteen, indicates there has been a 52 percent decrease in Michigan violent crime since 2007.¹⁴

Juvenile confinement has also fallen in each state that has raised the age. The concern that systems would be overwhelmed by jurisdictional change has been unfounded. By continuously shifting policy to more effectively serve youth, the capacity has been enhanced to handle an age increase in the age of jurisdiction. For example, in both Illinois and Massachusetts, there was a slight uptick in the juvenile justice system population when 17-year-olds were handled in the juvenile justice system, but the population then evened out due to the capacity and alternatives already developed.



¹⁴ FBI UCR



There is also evidence to suggest that better serving youth in the appropriate setting will positively impact outcomes in the adult criminal justice system. According to Connecticut's Office of Policy Management Criminal Justice Policy and Planning Division, there has been a 54 percent decline in the number of 18 to 21 year olds in adult facilities. Between 2008 and 2014, there was a 44 percent drop in arrests for the same population.

In closing, I think the proposed change to the age of jurisdiction in Michigan is an important step in the right direction, and consistent with the type of reforms Michigan has been engaged in for years. By improving the resources and supervision for youth in the system, and handling them in a juvenile justice system that is designed with their age in mind, there can be expected to be a benefit to public safety. Further, though there may be concerns about the cost of implementation, it is clear from the experiences in other states that have raised the age of juvenile court jurisdiction that costs can be managed and kept in check.

I encourage passage of the reforms being considered and please feel free to contact me if we can be of any assistance moving forward.